

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TY MAYBERRY,

Plaintiff,

CASE NO. 1:21-CV-306

v.

HON. ROBERT J. JONKER

ACRISURE WALLSTREET
PARTNERS, LLC, et al.,

Defendants.

ORDER TO SHOW CAUSE

This is a contract action originally filed in Kent County Circuit Court. Defendant filed a Notice of Removal on April 9, 2021, invoking the diversity jurisdiction of the Court. The Notice says that more than \$75,0000 is in controversy, that plaintiff is a citizen of Missouri, and that the defendant is a citizen of Delaware and Michigan. That may well mean this case could have originally been brought here under 28 U.S.C. § 1332. However, because defendant is a citizen of Michigan, the forum (or local) defendant rule of 28 U.S.C. § 1441(b)(2) would normally preclude removal: “A civil action otherwise removable solely on the basis of the jurisdiction under Section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” *See also Balzer v. Bay Winds Fed. Credit Union*, 622F. Supp. 2d 628 (W.D. Mich. 2009).

The forum defendant rule would seem to preclude removal in this case. But before the Court enters an order of remand, the Court will give the defendant until April 23, 2021, to show

cause why the matter should not be remanded to Kent County Circuit Court. Plaintiff may file its own Motion, or otherwise make its position on this issue a matter of record, within the same time.

IT IS SO ORDERED.

Dated: April 13, 2021

/s/ Robert J. Jonker

ROBERT J. JONKER

CHIEF UNITED STATES DISTRICT JUDGE